

RECEIVED
CENTRAL FAX CENTER

PATENT
450101-02897

JAN 05 2007

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7 are currently pending. Claims 1-7 are independent. Claim 5 is amended to overcome the objections in the Office Action. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed. The claims are otherwise not amended.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. CLAIM OBJECTIONS

Claim 5 has been amended to overcome the objection in accordance with the understanding of the Examiner.

Applicant notes claim 5 has been amended to overcome a prior objection by the Examiner in an Office Action mailed February 7, 2006. Applicants reply thereto was not entered.

Applicant respectfully requests withdrawal of the objection to claim 5.

PATENT
450101-02897**III. REJECTIONS UNDER 35 U.S.C. §102 AND §103**

Claims 1, 3, 5, 6 and 7 were rejected under 35 U.S.C. §102(e) as allegedly unpatentable over U.S. Patent No. 7,062,579 to Tateyama; and

Claims 2 and 4 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Tateyama in view of U.S. Patent No. 6,665,088 to Chiba et al. (hereinafter, merely "Chiba").

In view of the amendments herein, Applicants respectfully traverse these rejections.

Independent claim 1, as amended, is representative and recites, *inter alia*:

"wherein the control means does not transmit the picture data from the picture processing means based upon the profile as a premise for transmitting the picture data." (emphasis added).

The Office Action points to Chiba (col. 7, lines 5-8 and 14-31; Fig. 2, box S6) as disclosing a method of "determining whether to transmit the picture data from the data source side based on the profile information." However, in Chiba the image data is sent to the printer. The host (1) in Chiba does receive print status information such as success/failure and retransmits the image data as necessary. Chiba may withhold transmission based upon, for example, the printer overrun buffer or out-of-paper signal. However, Chiba does not disclose withholding transmission of the image data based upon the profile information as defined in Applicant's application. Indeed, in Chiba the resolution of the image data only results in a retransmission of the image data, not a withholding of the transmission. Col. 7, lines 32-45.

In contrast, claim 1 recites, "the control means does not transmit the picture data from the picture processing means based upon the profile as a premise for transmitting the picture data."

In the present application, the picture data is not transmitted from the data source side based

PATENT
450101-02897

upon the profile data as defined in Applicants specification. That is, the profile data is the premise for transmitting the picture data.

Support for the amendment is found in the specification as-filed. "For introducing categorization of the destination of transmission, as a premise for transmitting picture data from the STB 3 to the printing device 5, the data conversion unit 13 formulates a version command for checking into the profile information. The data conversion unit 13, issuing the version command to acquire a response from the source of transmission, acquires the information that can be copied with by the source of transmission of picture data, here the printing device 5, to check into the picture data for transmission." Publ. App. par. [0085]. Hence, in this example, the profile information is a premise for transmitting picture data from the STB to the printing device. Thus, there is no transmission if the premise is not met.

Tateyama does not add the element missing from Chiba.

Claim 1 is patentable over the Tateyama and Chiba because those references taken either alone or in combination do not teach or suggest each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 2-7 are also believed to be patentable.

CONCLUSION

Claims 1-7 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

PATENT
450101-02897

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 

Paul A. Levy
Reg. No. 45,748
(212) 588-0800